

Last revised 12/1/11

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
William and Marlene Itri

Case No.: _____

Judge: _____

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 6-18-2014

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 641 per month to the Chapter 13 Trustee, starting on 7/1/14 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to None (creditor).

b. Adequate protection payments will be made in the amount of \$ None to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Select Portfolio Servicing	186 Arlington Ave., Cliffwood	\$17,620.50	-0-	\$17,620.50	\$1,783.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:			
Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			
d. Secured Claims Unaffected by the Plan The following secured claims are unaffected by the Plan: Capital One Jersey Central FCU			
e. Secured Claims to be Paid in Full Through the Plan:			
Creditor	Collateral	Total Amount to be Paid Through the Plan	
None			
Part 5: Unsecured Claims			
a. Not separately classified allowed non-priority unsecured claims shall be paid: <input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i> <input type="checkbox"/> Not less than _____ percent <input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds			
b. Separately classified unsecured claims shall be treated as follows:			
Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served.

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Mortgage arrearages
- 3) _____
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 6-18-14

/s/ Jeannette A. Hoffman
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: 6-18-14

/s/ William Itri
Debtor

Date: 6-18-14

/s/ Marlene Itri
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 William Itri
 Marlene Itri
 Debtors

Case No. 14-22533-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: pfiero
 Form ID: pdf901

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 Total Noticed: 25

Date Rcvd: Jun 19, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 21, 2014.

db/jdb
 514863948 +William Itri, Marlene Itri, 186 Arlington Avenue, Cliffwood, NJ 07721-1004
 +A-1 Collection Service, Assignee Of Bayshore Community Hospital,
 80 W. Upper Ferr Road, Suite 1, W. Trenton, NJ 08628-2736
 514863949 +Amity Associates LLC, Assignee Of Red Bank Radiologist, 375 State Route 10, Suite 1R,
 Randolph, NJ 07869-2223
 514863950 +Barnabas Health Medical Group South, Medical Health Center, PO Box 8000 Dept. 596,
 Buffalo, NY 14267-0002
 514863951 +Boscov's, PO Box 71106, Charlotte, NC 28272-1106
 514863953 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank, PO Box 85015, Richmond, VA 23285)
 514863952 +Capital One, PO Box 30253, Salt Lake City, UT 84130-0253
 514863954 +Dr. Michael Vallee, C/O Robert W. Schwankert, PA, 349 E. Northfield Road,
 Livingston, NJ 07039-4802
 514863955 +Encore Receivable Management, Assignee Of GE Capital Retail Bank, PO Box 3330,
 Olathe, KS 66063-3330
 514863956 +Exxon Mobil/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 514863957 +Gail Auster, MD, 215 Monmouth Road, Oakhurst, NJ 07755-1540
 514863959 +Jersey Central Federal Credit Union, PO Box 661, Cranford, NJ 07016-0661
 514863961 +One Main Financial, PO Box 70911, Charlotte, NC 28272-0911
 514863960 +One Main Financial, PO Box 183172, Columbus, OH 43218-3172
 514863962 +Riverview Medical Center, 1 Riverview Plaza, Red Bank, NJ 07701-1872
 514863963 +Sa-Vit Enterprises, Assignee Of Heart Center, PO Box 250, East Brunswick, NJ 08816-0250
 514863964 +Schachter Portnoy LLC, Assignee Of Monmouth Medical Group, 3490 U.S. Route 1,
 Princeton, NJ 08540-5920
 514863965 +Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250
 514863966 +Shell/Citibank CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 514863967 +Sure Recovery Service, Assignee Of Monmouth Cardiology, PO Box 818, Jackson, NJ 08527-0818
 514863968 +Verizon, 500 Technology Drive, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg +E-mail/Text: leah.bynon@usdoj.gov Jun 19 2014 21:14:22 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2523
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jun 19 2014 21:14:17 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 514863958 +E-mail/PDF: gecsed@recoverycorp.com Jun 19 2014 21:27:22 GECRB/Care Credit, PO Box 965036,
 Orlando, FL 32896-5036
 514863969 +E-mail/PDF: gecsed@recoverycorp.com Jun 19 2014 21:23:24 Walmart/GECRB, PO Box 530927,
 Atlanta, GA 30353-0927

TOTAL: 4

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 21, 2014

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 18, 2014 at the address(es) listed below:

Jeannette A. Hoffman on behalf of Joint Debtor Marlene Itri jeannette@hoffman-hoffman.net,
 info@hoffman-hoffman.net
 Jeannette A. Hoffman on behalf of Debtor William Itri jeannette@hoffman-hoffman.net,
 info@hoffman-hoffman.net

District/off: 0312-3

User: pfiero
Form ID: pdf901

Page 2 of 2
Total Noticed: 25

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

TOTAL: 2